



Australian
Competition &
Consumer
Commission



Paper patterns for children's nightwear

The *Trade Practices Act 1974* provides for the introduction of consumer product safety standards where such standards are reasonably necessary to prevent the risk of injury.

A revised consumer product safety standard for paper patterns for children's nightwear and limited daywear became effective on 1 November 1999. The mandatory standard aims to reduce the risk of nightwear catching fire.

Compliance with consumer product safety standards is mandatory. All suppliers — including manufacturers, importers, wholesalers and retailers — of paper patterns for children's nightwear must ensure their patterns comply with the requirements of the mandatory standard.



The consumer product safety standard (mandatory standard)

The mandatory standard is based on the Australian and New Zealand Standard AS/NZS 1249–1999, *Children's nightwear and limited daywear having reduced fire hazard*, published by Standards Australia.

To help suppliers of paper patterns comply, the requirements of the mandatory standard are reproduced in this guide. Suppliers should read the requirements carefully and ensure their products are marked according to the mandatory requirements. A copy of the mandatory standard notice for paper patterns for children's nightwear is included in this guide.

Concurrent mandatory standards

Suppliers of paper patterns should be aware that, although a revised standard became effective on 1 November 1999, the consumer product safety standard based on AS 1249–1990, *Children's nightclothes having reduced fire hazard* will remain in effect until 1 September 2001.

Although the two standards will be running concurrently suppliers are encouraged to work toward compliance with the new requirements as soon as possible.

Suppliers' responsibility

This guide provides an overview of the mandatory requirements for paper patterns. It aims to increase supplier understanding of the coverage and application of the mandatory standard.

The guide is of a general nature and there may be important qualifications or exceptions to the mandatory standard that it does not cover. Therefore suppliers should always seek professional advice to ensure their product complies with the mandatory requirements.

Suppliers are responsible for ensuring their paper patterns for children's nightwear meet the safety standard.

Coverage of the mandatory standard

The mandatory requirements apply to any paper pattern for children's garments in sizes 00 to 14 within the scope of AS/NZS 1249–1999 including:

- items styled and recognised as nightwear garments such as pyjamas, pyjama-style overgarments, nightdresses, nightshirts, dressing gowns, bathrobes and infant sleepbags;
- Infants' all-in-one garments in sizes 00 to 2; and
- boxer shorts of a loose style commonly used as nightwear.



Garments excluded from AS/NZS 1249–1999 include:

- boxer shorts in form fitting styles, commonly worn as underwear;
- tee-shirts; and
- headwear, footwear, handwear and swimwear.

Appendix C of AS/NZS 1249–1999 provides guidance for identifying which items are considered nightwear.

Requirements of the mandatory standard

The mandatory standard requires the envelope of the paper pattern to have a clear and legible warning about the flammability of some fabrics and nightwear styles. The warning, found in clause 5.6 of AS/NZS 1249–1999, must read:

FIRE WARNING: Regardless of the fabrics recommended on this package as suitable for this garment, for the safety of your children, do not make loose-fitting or nightdress styles from fabrics which burn readily. Avoid chenille, molleton and flannelette fabrics made from 100% cotton, and acrylic fabrics.

Clause 5.6 also details the appearance of the warning as follows:

- the typeface shall be no less than 2 mm high and of medium width;

- the words **FIRE WARNING** be in bold upper case lettering; and
- remaining words be in light face upper and lower case lettering.

Retailer information

Retailers are responsible for ensuring the goods they stock meet mandatory safety standards. To aid compliance retailers should always:

- stipulate that the goods they order meet the mandatory standard; and
- undertake visual checks to ensure compliance with the more obvious requirements.

The ACCC's role

The Australian Competition and Consumer Commission (ACCC) is responsible for enforcing mandatory consumer product safety and information standards.

Because injury prevention is better than cure, the ACCC attaches great importance to promoting compliance with the safety provisions as well as to remedial enforcement action.

It conducts random surveys of retail outlets throughout Australia to detect non-complying products, to assess the overall level of marketplace compliance and to liaise with suppliers. It also investigates allegations by consumers and suppliers about non-complying goods.



The ACCC frequently seeks the immediate withdrawal of defective goods from sale and recall of the goods. Other remedies available to the ACCC include injunctions, damages, a requirement for corrective advertising and various ancillary orders.

Penalties

Supplying goods that do not comply with a mandatory standard is an offence under the Trade Practices Act and may result in fines of up to \$200 000 for corporations and \$40 000 for individuals.

Product liability

Part VA of the Trade Practices Act contains provisions on product liability. Under the provisions consumers are able to seek compensation or damages for personal injury or other loss caused by a defective product.

Goods will be considered defective 'if their safety is not such as persons generally are entitled to expect'. This is an objective measure having regard to the general public expectation and not that of one individual.

Generally it is the manufacturers or importers of products who are liable under Part VA. However, in instances where other suppliers, such as retailers, cannot identify the manufacturer or importer, they may be deemed liable for the damages.

Suppliers may reduce their exposure to product liability action through responsible and sensible business practices such as:

- regularly reviewing product design and production;
- implementing and reviewing quality assurance procedures;
- product testing to relevant standards;
- appropriate marketing; and
- providing clear and thorough user instructions.

Other legislation

A State or Territory may have its own product safety standards. For information about State and Territory laws you should contact the relevant consumer affairs or fair trading agency.

ACCC website

Information on product safety and standards is available on the ACCC website: <http://www.accc.gov.au>

The site is regularly updated with news on mandatory standards, bans and recalls. Product safety media releases and links to other useful websites are also available.



COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974

Consumer Protection Notice No. 10 of 1999

CONSUMER PRODUCT SAFETY STANDARD FOR PAPER PATTERNS FOR CHILDREN'S NIGHTWEAR

I, JOSEPH BENEDICT HOCKEY, Minister for Financial Services and Regulation, pursuant to section 65E of the *Trade Practices Act 1974*, hereby:

- (a) REVOKE, with effect from 1 November 1999, the consumer product safety standard in respect of paper patterns for children's nightclothes, declared by notice dated 12 January 1993 published in *Gazette No GN 2* of 20 January 1993; and
- (b) DECLARE, with effect from 1 November 1999, that:
 - (i) in respect of goods of a kind specified in Division 1 of the Schedule to this notice, the standards approved by the Standards Association of Australia specified in Division 2 of the Schedule, as varied by Division 3 of the Schedule, are consumer product safety standards for the purposes of section 65C of the *Trade Practices Act 1974*;
 - (ii) the standard first mentioned in Division 2 of the Schedule to this Notice, *Australian Standard AS 1249—1990, Children's nightclothes having reduced fire hazard* and the amendments to that standard in Division 3 of the Schedule to this Notice, shall cease to have effect from 1 September 2001;
 - (iii) where more than one standard is specified for a particular class of goods, the goods need comply with only one of the standards specified; and
 - (iv) this notice and the consumer product safety standard prescribed by this notice will cease to have effect on 1 November 2004.

THE SCHEDULE

Division 1: Particulars of Goods

- (a) The particulars of goods in respect of Division 2 (a) are:

Paper patterns for garments worn as children's nightclothes including, pyjamas, pyjama-style overgarments, nightdresses, dressing gowns and infant sleepbags, of any of the sizes 0 to 14 as specified in the *Australian Standard AS 1182—1980 Size coding scheme for infants' and children's clothing (underwear and outerwear)*, published by the Standards Association of Australia on 1 September 1980, but excluding paper patterns for any article of headwear, footwear or handwear.

- (b) The particulars of goods in respect of Division 2 (b) are:

Paper patterns for garments worn as children's night wear, including pyjamas, pyjama-style overgarments, nightdresses, nightshirts, dressing gowns, bathrobes and infant sleepbags, and garments such as all-in-ones and boxer shorts which may be suitable for daywear or nightwear of any of the sizes 00 to 14 as specified in clause 0.2 and Australian Standard 1182—1997 "Size coding scheme for infants' and children's clothing - Underwear and outerwear", published by the Standards Association of Australia on 5 March 1997, but excluding paper patterns for T shirts and any articles of headwear, leggings either with or without foot, footwear or handwear.



NOTE: Appendix C, of *Australian/New Zealand Standard AS/NZS 1249:1999, Children's nightwear and limited daywear having reduced fire hazard*, provides guidance on classification of garments as nightclothes/nightwear within the scope of both consumer product safety standards.

Division 2: The Standard

Either:

- (a) Clause 5.3 of *Australian Standard AS 1249—1990, Children's nightclothes having reduced fire hazard*, published by the Standards Association of Australia on 7 May 1990.

Or

- (b) Clauses 0.2, 0.5.2, 0.5.3, 0.5.6, 0.5.10 and 5.6 of *Australian/New Zealand Standard AS/NZS 1249:1999, Children's nightwear and limited daywear having reduced fire hazard*, published by the Standards Association of Australia on 5 April 1999.

Division 3: Variations

Australian Standard AS 1249—1990

AS 1249—1990 is varied by:

- (1) deleting from the first sentence of clause 5.3 the words “within the scope of this standard”; and
- (2) inserting in the first sentence of clause 5.3 the words “clearly legible” between the words “shall bear a” and “warning paragraph”.

Australian/New Zealand Standard AS/NZS 1249:1999

AS/NZS 1249:1999 is varied by:

- (1) deleting from clause 0.5.3 the notes;
- (2) deleting from clause 0.5.10 the words “(See Note 1 to Clause 0.1)”; and
- (3) amending clause 5.6 by adding the words “clearly legible” between the words “shall bear a” and “warning paragraph”.

Dated this 28th day of August 1999


JOE HOCKEY



Mandatory standards and bans under the Trade Practices Act as at January 2000

Mandatory standards

- Balloon-blowing kits
- Bean bags
- Bicycles
- Bicycle helmets
- Child restraints for motor vehicles
- Children's nightwear — flammability
- Clothing and textile products — care labelling
- Cosmetics and toiletries
- Cots for household use
- Disposable cigarette lighters
- Elastic luggage straps
- Exercise cycles
- Fire extinguishers (portable)
- Flotation toys and swimming aids for children
- Jacks, including trolley jacks
- Motorcycle helmets
- Paper patterns for children's nightwear
- Ramps for motor vehicles
- Sunglasses and fashion spectacles
- Support stands for motor vehicles
- Tobacco products
- Toys for children under 3

Permanent bans

- 'Diveman' underwater breathing apparatus
- Gas masks which contain asbestos
- Glucomannan in tablet form
- 'Quickie' line release system
- Seat belt accessories, including 'Klunk Klip', 'Comfix', 'Auto Comfort'
- Sun visors including 'Autotrend Sun Filter' and similar internal visors
- Tobacco products (smokeless)
- Victim toys

Interim bans

- Candles with lead wicks

Further details on the mandatory standards and bans can be obtained from ACCC offices.

ACCC Website

Updates on product safety and standards can be obtained from the ACCC website:
<http://www.accc.gov.au>



ACCC contacts

ACT (National Office)

Tel: (02) 6243 1111
Fax: (02) 6243 1199

Tasmania

Tel: (03) 6215 9333
Fax: (03) 6234 7796

New South Wales

Tel: (02) 9230 9133
Fax: (02) 9223 1092

Victoria

Tel: (03) 9290 1800
Fax: (03) 9663 3699

Tamworth

Tel: (02) 6761 2000
Fax: (02) 6761 2445

Western Australia

Tel: (08) 9325 3622
Fax: (08) 9325 5976

Queensland

Tel: (07) 3835 4666
Fax: (07) 3832 0372

Northern Territory

Tel: (08) 8946 9666
Fax: (08) 8946 9600

North Queensland

Tel: (07) 4729 2666
Fax: (07) 4721 1538

South Australia

Tel: (08) 8213 3444
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